

Administrative Draft

FINAL SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT
FOR THE PROPOSED MERGER OF
MILPITAS REDEVELOPMENT PROJECT
AREA NO. 1 AND THE GREAT MALL
REDEVELOPMENT PROJECT AREA

RESPONSES TO COMMENTS ON THE DRAFT EIR

STATE CLEARINGHOUSE #2006082087

Prepared by the

REDEVELOPMENT AGENCY OF THE CITY OF MILPITAS

with the Assistance of

WAGSTAFF AND ASSOCIATES
Urban and Environmental Planners

November 2006

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1. INTRODUCTION

1.1 RELATIONSHIP BETWEEN DRAFT SEIR AND FINAL SEIR

The final supplemental environmental impact report (Final SEIR) for the proposed Merger of Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area has been prepared by the Redevelopment Agency of the City of Milpitas (Agency) in keeping with state environmental documentation requirements set forth in the California Environmental Quality Act (CEQA). The Agency has prepared the Final SEIR pursuant to the CEQA Guidelines, including sections 15086 (Consultation Concerning Draft SEIR), 15088 (Evaluation of and Response to Comments), and 15132 (Contents of Final Environmental Impact Report). In conformance with these guidelines, the Final SEIR consists of the following **two volumes**:

- (1) the **Draft SEIR**, dated September 2006, which was distributed for public review and comment on September 20, 2006 (with the minimum 45-day public review period observed); and
- (2) this **Final SEIR document**, which includes: (a) a summary listing of all comments received by the Agency in the form of letters, e-mails and Community Meeting input during the Draft SEIR public review period (two Community Meetings were conducted by the Agency for the proposed merger during the Draft SEIR public review period, one on October 18 and one of November 1, 2006); (b) the responses of the Agency to all of the comments received during the Draft SEIR public review period pertaining to the content and adequacy of the SEIR; and (c) verbatim versions of the Draft SEIR public review period letters, e-mails and Community Meeting minutes. No revisions to the Draft SEIR have been necessary in response to the comments received.

Five letters and e-mails were received by the Agency, and two Community Meetings were conducted by the Agency, during the Draft SEIR public review period. The Agency responses to comments in this Final SEIR document are correlated to the verbatim letters, e-mails and Community Meeting minutes by code numbers which have been posted in the right hand margin of the verbatim letters, e-mails and minutes.

Both volumes of the Final SEIR are available for public review at the Redevelopment Agency of the City of Milpitas offices, 455 E. Calaveras Boulevard, Milpitas, California.

1.2 PROPOSED PROJECT SUMMARY

This summary should not be relied upon for a thorough understanding of the details of the project, its individual impacts, and related mitigation needs. Please refer to Draft SEIR chapter 3 for a complete description of the project, and Draft SEIR chapters 4 through 7 for a complete description of identified environmental impacts and associated mitigation measures.

The Redevelopment Agency of the City of Milpitas ("Redevelopment Agency") is proposing to adopt merger amendments to the existing Redevelopment Plans for the Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area in order to continue and improve implementation of the Redevelopment Agency's economic development and housing opportunity improvement objectives in or near these two Project Areas. The proposed merger amendments are expected to help accomplish these objectives by, among other activities, enabling the installation of up to three new advertising signs and the renovation or replacement of up to two existing advertising signs at locations along the I-880 and I-680 highway corridors through the City. Up to two of the highway advertising signs are expected to include electronic message boards. The remaining signs are expected to be fixed, monument type signs with no electronic message boards.

2. RESPONSES TO COMMENTS ON THE DRAFT SEIR

After completion of the Draft SEIR, the Lead Agency (the Redevelopment Agency of the City of Milpitas) is required under CEQA Guidelines sections 15086 (Consultation Concerning Draft SEIR) and 15088 (Evaluation of and Response to Comments) to consult with and obtain comments from other public agencies having jurisdiction by law with respect to the project, and to provide the general public with an opportunity to comment on the Draft SEIR. Under CEQA Guidelines section 15088, the Lead Agency is also required to respond in writing to substantive environmental points raised in this Draft SEIR review and consultation process.

The required 45-day public review period (for state review) on the Draft SEIR began on September 19, 2006. The state-mandated minimum 45-day public review period on the Draft SEIR ended on November 3, 2006.

Comments on the Draft SEIR were received in the form of letters and e-mails submitted to the Agency, and Community Meetings conducted by the Agency, during the Draft SEIR public review period. Four (4) letters and e-mails were received, and two Community Meetings were conducted, by the Agency during the Draft SEIR public review period.

CEQA Guidelines section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the Final SEIR include the full set of "comments and recommendations received on the Draft EIR either verbatim or in summary"; section 15132, subsection (c), requires that the Final EIR include "a list of persons, organizations, and public agencies commenting on the Draft EIR"; and section 15132, subsection (d), requires that the Final SEIR include "the responses of the Lead Agency to significant environmental points raised in the review and consultation process." In keeping with these guidelines, this Responses to Comments chapter includes the following subsections:

- a **list of Draft SEIR commenters** (subsection 2.1) which lists each individual who submitted written comments to the Agency during the Draft SEIR public review period; and
- a **comments and responses** subsection (subsection 2.2) that assigns a code number and summarizes each comment contained in the Draft SEIR public review period letters, e-mail and Community Meeting minutes pertaining to SEIR content or adequacy, followed by the response of the Agency to the comment.

Section 3 of this Final EIR document includes verbatim copies of each of the four (4) letters and e-mails received by the Agency, and the minutes of the two Community Meetings conducted by the Agency, during the Draft SEIR public review period. Each comment in the letters, e-mails and minutes pertaining to the content or adequacy of the SEIR is identified by a code number added to the right margin of the verbatim letter, e-mail or minutes in section 3 that correlates to the associated comment summary and Agency response in subsection 2.2.

2.1 LIST OF DRAFT SEIR COMMENTERS

The public agencies and individuals who commented by name on the Draft SEIR during the Draft SEIR public review period are listed below chronologically (subsection 2.1.1). The minutes from each of the two Community Meetings conducted by the Agency during the Draft SEIR public review period are also listed below (subsection 2.1.2). Each letter, e-mail, and set of Community Meeting minutes is identified by a code number which has been posted on the verbatim version of the letters, e-mails and minutes contained in section 3 of this document--e.g., LR 1, LR 2, LR 3, and LR 4; and CM 1 and CM 2).

2.1.1 Letters and E-Mails

Roy Molseed, Senior Environmental Engineer, Santa Clara Valley Transportation Authority (LR 1)
Ralvca Nitescu, Project Engineer, County of Santa Clara Roads and Airports Department (LR 2)
Theo Hipol, Santa Clara Valley Water District (LR 3)
Michael Condie, District Office Chief, Office of Permits, California Department of Transportation, District 04 (LR 4)
Terry Roberts, Director, State Clearinghouse, Governor's Office of Planning and Research (LR 5)

2.1.2 Community Meetings Minutes

Community Meeting for the Proposed Merger of the Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area; October 18, 2006 (CM 1)
Community Meeting for the Proposed Merger of the Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area; November 1, 2006 (CM 2)

2.2 COMMENTS AND RESPONSES

All comments received by the Agency during the Draft SEIR public review period are summarized below, each followed by the Agency's responses.

<u>Name/Agency</u>	<u>Response Code</u>	<u>Issues and Concerns</u>
LR 1. Roy Molseed, Senior Environmental Engineer, Santa Clara Valley Transportation Authority; September 21, 2006	LR 1.1	<u>No Comments.</u> The Santa Clara Valley Transportation Authority (VTA) has reviewed the Draft SEIR and has no comments at this time. Response: Comment acknowledged; no additional response is necessary.
LR 2. Ralvca Nitescu, Project Engineer, County of Santa Clara Roads and Airports Department; October 2, 2006	LR 2.1	<u>County Road R-O-W Encroachment.</u> The County of Santa Clara Roads and Airports Department had no comments on the Draft SEIR, except that for any project-related work or lane closure within the County right-of-way, an encroachment permit would be required.

LR 3. Theo Hipol, Santa Clara
Valley Water District;
October 25, 2006

LR 3.1

Response: Comment acknowledged.
Comment pertains to normal County criteria and procedures, which would be fully complied with by the Agency in implementing the project.

Water Facilities. Project does not appear to cause any significant impacts to Santa Clara Valley Water District (District) interests. Any project-related work which would impact any District facilities would be reviewed in accordance with District ordinances.

LR 4. Michael Condie, District
Office Chief, Office of
Permits, California
Department of
Transportation
(Caltrans), District 04;
October 30, 2006

LR 4.1

Response: Comment acknowledged.
Comment pertains to normal District review procedures, which would be fully complied with by the Agency in implementing the project.

Ramp Metering. Future ramp metering systems will be installed by Caltrans at I-680/Calaveras Blvd., I-680/Jacklin Rd., I-880/Montague Expressway, and I-880/Calaveras Blvd. on-ramps. Any proposed advertising signs should not block views of planned ramp metering signs and signals from motorists, California Highway Patrol enforcement sheds and ramp metering maintenance work areas.

Response: Comment acknowledged.
Comment pertains to normal Caltrans requirements and guidelines, which would be fully complied with by the Agency in implementing the project.

LR 4.2

TOS Operating System (TOS) Elements. Existing and operational TOS elements must be kept operational throughout the construction phase. Any TOS elements that may be affected by this project must be relocated, modified or fully replaced as necessary.

Response: Comment acknowledged.
Comment pertains to normal Caltrans requirements and guidelines, which would be fully complied with by the Agency in implementing the project.

- LR 4.3 Caltrans Display Limitations. Proposed redevelopment displays may only be erected in the actual redevelopment zone; otherwise, normal outdoor advertising permits would be required by Caltrans prior to the erection of displays. If a permit is issued, only businesses within the redevelopment zone may advertise on the display.
- Response:** Comment acknowledged. Comment pertains to normal Caltrans requirements and guidelines, which would be fully complied with by the Agency in implementing the project.
- LR 4.4 State R-O-W Encroachment. Any project-related work or related traffic control within the State right-of-way (R-O-W) would require an encroachment permit from Caltrans. Encroachment permit application process described.
- Response:** Comment acknowledged. Comment pertains to normal Caltrans requirements and guidelines, which would be fully complied with by the Agency in implementing the project.
- LR 5. Terry Roberts, Director,
State Clearinghouse,
Governor's Office of
Planning and Research;
November 3, 2006
- LR 5.1 CEQA Process. State agency 45-day review period began on September 19, 2006 and ended on November 2, 2006. Letter acknowledges that Agency has complied with State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.
- Response:** Comment acknowledged; no additional response is necessary.
- CM 1 Minutes of October 18,
2006 Community
Meeting for the
Proposed Merger of the
Milpitas Redevelopment
Project Area No. 1 and
the Great Mall
Redevelopment Project
Area
- No Attendees. No attendees from community at meeting.
- Response:** No response necessary.

CM 2 Minutes of November 1,
2006 Community
Meeting for the
Proposed Merger of the
Milpitas Redevelopment
Project Area No. 1 and
the Great Mall
Redevelopment Project
Area

No comments were made specifically referring to the Draft SEIR. Comments related to project environmental impacts are summarized below, each followed by the Agency's response:

CM 2.1

Sign Proximity to Residential Uses. Several attendees recommended that any new freeway sign with an electronic or digital component not be located in proximity to residential uses.

Response: Potential freeway advertising sign impacts on nearby residential uses are adequately evaluated and described in the SEIR. The Draft SEIR identifies potentially significant adverse impacts on nearby residential uses pertaining to visual intrusion (Impact 4-2), light and glare (Impact 4-3), land use (height and scale) compatibility (Impact 5-1), disturbing operational noise (Impact 6-1), and construction noise (Impact 6-23), and identifies associated mitigation requirements for each of these potential impacts. The SEIR also evaluates and describes the potential electromagnetic field and associated health effects of electronic message board signage on nearby residential uses, finding such potential effects to be less-than-significant (DEIR page 7-3).

CM 2.2

Sign Impact on Property Values. Attendees recommended that a property value impact analysis be completed for each proposed freeway sign location, especially as it relates to residential uses.

Response: The economic implications of a project, including effects on property values, are not a CEQA-defined "environmental issue" and are outside the state-mandated scope of an EIR (CEQA Guidelines section 15131: "economic or social effects of a project shall not be treated as significant effects on the environment").

3. VERBATIM LETTERS, E-MAILS, AND MINUTES OF COMMUNITY MEETINGS

LR1



September 21, 2006

City of Milpitas
Redevelopment Agency
455 E. Calaveras Blvd.
Milpitas, CA 95035

Attention: Diana Whitecar, Economic Development Manager

Subject: Merger of Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project

Dear Ms. Whitecar:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for the merger of the Milpitas Redevelopment Project Area Bo. 1 and the Great Mall Redevelopment Project. We have no comments at this time.

LR1.1

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5874.

Sincerely,

A handwritten signature in black ink, appearing to read "R Molseed", written over a horizontal line.

Roy Molseed
Senior Environmental Planner

RM:kh

LR2

County of Santa Clara

Roads and Airports Department



101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

October 2, 2006

Ms. Diana Whitecar
Economic Development Manager
City of Milpitas, Economic Division
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Notice of availability of the Draft Environmental Impact Report (DEIR) for the
Milpitas Redevelopment Project Area 1 and Great Mall Redevelopment Project
Area.

Dear Ms. Whitecar,

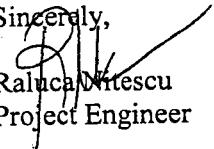
Your September 19, 2006 Notice of availability along with the attachments for the subject project have been reviewed.

We have no comments, except that for any work or lane closure within the County right-of-way an encroachment permit is required.

LR2.1

Thank you for the opportunity to review this project. If you have any questions, please call me at 573-2464.

Sincerely,


Raluca Ntescu
Project Engineer

Cc: AP, MA, WRL, File

LR3

Diana Whitecar

From: Theodore Hipol [thipol@valleywater.org]
Sent: Wednesday, October 25, 2006 5:16 PM
To: Diana Whitecar
Cc: Theodore Hipol
Subject: RE: District File 23645 - Milpitas Redevelopment Agency Proposed Merger Supplemental

Diana,

In regards to the subject document for the addition and/or renovation of signs, my response is the same as below.

If you have any questions, please contact me.

Thanks,

Theo Hipol
408-265-2607 x2494

-----Original Message-----

From: Theodore Hipol
Sent: Thursday, September 14, 2006 5:05 PM
To: 'Diana Whitecar'
Cc: Theodore Hipol
Subject: RE: District File 23645 - Milpitas Redevelopment Agency Proposed Merger Amendments

Diana,

Thank you for responding.

As per my phone message, I am referring back to my correspondence letter dated February 21, 2003, addressed to Mr. Blair King at your agency.

It appears that the initial study and NOP for DEIR is for a merger and installation of signs, and does not appear to cause any significant impacts to District interests. Initial comments are that any work which will potentially impact any of the Santa Clara Valley Water District's (District) facilities will be reviewed in accordance with existing Ordinance 83-2 and our new ordinance still being completed.

LR3.1

In addition, you have mentioned that two previous final EIRs have been completed for the two areas to be merged. Please submit two copies of the SEIR when available for our review and comments.

Thank you,

Theo Hipol
408-265-2607 x2494

-----Original Message-----

From: Diana Whitecar [mailto:dwhitecar@ci.milpitas.ca.gov]
Sent: Thursday, September 14, 2006 4:38 PM
To: Theodore Hipol
Subject: Milpitas Redevelopment Agency Proposed Merger Amendments

Dear Mr. Hipol, thanks for your message and I am sorry that my mailing address was not more easily seen on the Initial Study. Please email your comments to me at the email address below.

LR4

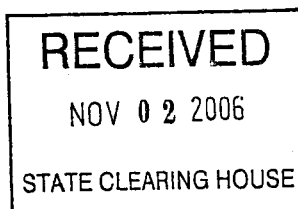
DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-5505
(800) 735-2929 TTY



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October 30, 2006



SCL-GEN
SCL000182
SCH2006082087

*OK'd
11-2-06
e*

Ms. Diana Whitecar
City of Milpitas, Economic Development Division
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Ms. Whitecar:

Proposed Merger of Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer:

Traffic Systems

Ramp Metering

Future ramp metering systems will be installed at SCL680/ Calaveras Boulevard on-ramps, SCL680/ Jacklin Road on-ramps, SCL880/ Montague Expressway on-ramps and SCL880/ Calaveras Boulevard. Any proposed advertising signs should not block views of ramp metering signs and signals from motorists, California Highway Patrol enforcement areas and ramp metering maintenance work areas.

LR4.1

Traffic Operating System (TOS) Elements

All existing and operational TOS elements must be kept operational throughout the construction phase. Any TOS elements that may be affected by this project must be relocated, modified or fully replaced as necessary.

LR4.2

Proposed redevelopment displays may only be erected in the actual redevelopment zone; otherwise normal outdoor advertising permits would be required by the Department prior to the erection of displays. If a permit is issued, only businesses within the redevelopment zone may advertise on the display.

LR4.3

LR4

Ms. Diana Whitecar
October 30, 2006
Page 2

Encroachment

LR4.4

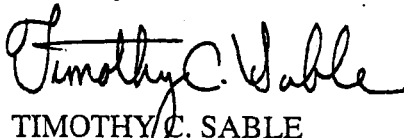
Please be advised that any work or traffic control within the State right-of-way (ROW) will require an encroachment permit from the Department. To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans (in metric units) which clearly indicate State ROW to the following address:

Mr. Michael Condie, District Office Chief
Office of Permits
California Department of Transportation, District 04
P. O. Box 23660
Oakland, Ca 94623-0660

An encroachment permit application and instructions can be located at the following web address: <http://www.dot.ca.gov/hq/traffops/developserv/permits/applications/index.html>

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c. State Clearinghouse (Scott Morgan)

LR5



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

November 3, 2006

Diana Whitecar
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035-5411

Subject: Proposed Merger of Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment Project Area
SCH#: 2006082087

Dear Diana Whitecar:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 2, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

LR5.1

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

LR5

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006082087
Project Title Proposed Merger of Milpitas Redevelopment Project Area No. 1 and Great Mall Redevelopment
Lead Agency Project Area
 Milpitas, City of

Type EIR Draft EIR
Description Merger amendments to existing Redevelopment Plans for Milpitas Project Area No. 1 and the Great Mall Project Area to enable continued and additional redevelopment activities, including construction of advertising signs.

Lead Agency Contact

Name Diana Whitecar
Agency City of Milpitas
Phone (408) 586-3059 **Fax**
email
Address 455 E. Calaveras Boulevard
City Milpitas **State** CA **Zip** 95035-5411

Project Location

County Santa Clara
City Milpitas
Region

Cross Streets

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways 237

Airports

Railways Amtrak, UPRR, SPRR

Waterways

Schools Milpitas Unified

Land Use Residential, commercial, industrial, public/institutional, and open space uses. Various associated zoning/general plan designations.

Project Issues Landuse; Noise; Traffic/Circulation

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Office of Historic Preservation; Department of Health Services; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4

Date Received 09/19/2006 **Start of Review** 09/19/2006 **End of Review** 11/02/2006

CM1

Meeting Summary
Community Meeting For the
Proposed Merger of the
Milpitas Redevelopment Project Area No. 1 and
The Great Mall Redevelopment Project Area

October 18, 2006

Milpitas Community Center

No Attendees.

Agency staff, represented by Diana Whitecar, Economic Development Manager, waited for 45 minutes and no one came to the meeting.

CM2

Meeting Summary
Community Meeting For the
Proposed Merger of the
Milpitas Redevelopment Project Area No. 1 and
The Great Mall Redevelopment Project Area

November 1, 2006

Attendees: See attached sign in sheets.

The meeting began at 6:30 p.m. with 11 individuals. Eventually 10 additional attendees arrived for a total of 21 participants. Diana Whitecar, Economic Development Manager, represented city staff and made the staff presentation.

Ms. Whitecar gave the attached Power Point presentation, inviting questions as the presentation progressed. Most of the comments reflected confusion over the intent or purpose of the proposed merger amendments and how the proposed amendments related to the City's Transit Area Plan project. There was also confusion about whether or not the proposed amendments impacted the Agency's eminent domain authority.

Several attendees expressed interest in the proposed freeway signs with electronic message boards. Most of the individuals speaking recommended that any new freeway sign that had an electronic or digital component not be placed within proximity to residential. Those commenting did not specify a certain distance and suggested that common sense should prevail in locating of any new freeway signs near residential areas. Staff indicated that these comments would be presented to the City/Agency as part of the final reports on the proposed amendments. It was recommended that a property value impact analysis be completed for each new freeway sign location, especially as it relates to residential impacts. Aside from these comments, there was general support for new freeway signs along 880 and along 680 near commercial areas.

CM2.1

CM2.2

There was concern about the use of eminent domain. Staff explained that this right already existed for the two portions of Project Area No. 1 that were brought into the Redevelopment Agency in 2003. Staff further explained that the proposed merger amendments would not change this status. This led to a discussion on eminent domain, with several expressing concern about the potential use of eminent domain. One attendee observed that eminent domain could be an effective tool in very specific cases. Staff explained that if Proposition 90 passed, then the Agency's eminent domain authority would be significantly negated.

Several attendees expressed confusion about how the proposed merger amendments related to the ongoing Transit Area Plan (TAP) study. After the meeting adjourned, several of these interested attendees stayed to discuss the TAP and left with a better understanding of the proposed merger amendments.

CM2

There was also discussion about the need to strengthen the Milpitas image and to promote all the assets of the City. Those speaking about this indicated support for the proposed freeway signs.

Towards the end of the meeting, the Main Street Precise Plan was also discussed and staff explained the relationship of the Precise Plan to the proposed merger amendments.

Respectfully submitted,

Diana Whitecar
Economic Development Manager